

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

CSX TRANSPORTATION, INC.,	)	CASE NO. 2:06-CV-0112 RLY-WGH
Plaintiff,	)	
v.	)	
	)	
JOHN J. VELA, JOHN J. VELA	)	
TRUCKING d/b/a JAY'S TRUCKING,	)	
SULLIVAN VOLUNTEER FIRE	)	
DEPARTMENT, CITY OF SULLIVAN,	)	
INDIANA, and DONALD RAY HUFF,	)	
Defendants.	)	
	)	
JOHN J. VELA and JOHN J. VELA	)	
TRUCKING d/b/a JAY'S TRUCKING,	)	
Counterclaimants,	)	
v.	)	
	)	
CSX TRANSPORTATION, INC.,	)	
Counterclaim Defendant.	)	
	)	
JOHN J. VELA and JOHN J. VELA	)	
TRUCKING d/b/a JAY's TRUCKING,	)	
Cross-claimants,	)	
v.	)	
	)	
CITY OF SULLIVAN, INDIANA and	)	
DONALD RAY HUFF,	)	
Cross-defendants.	)	
	)	
DONALD RAY HUFF,	)	
Plaintiff,	)	
v.	)	
	)	
CXS TRANSPORTATION, INC. and	)	
JOHN J. VELA, Individually and d/b/a	)	
JAY's TRUCKING, a/k/a JOHN J. VELA	)	
TRUCKING,	)	
Defendants.	)	

**THE VELA DEFENDANTS' MOTION FOR SUMMARY JUDGMENT  
AS TO COUNT III OF PLAINTIFF, CSX TRANSPORTATION, INC.'S COMPLAINT**

Defendants John J. Vela and John J. Vela Trucking d/b/a Jay's Trucking, by counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby move for summary judgment as to Count III of Plaintiff CSX's Complaint for Damages because there is no genuine issue of material fact and these defendants are entitled to judgment on Count III as a matter of law. In support of their motion, the Vela defendants file simultaneously herewith their supporting brief.

WHEREFORE, the Vela defendants pray for final summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, for costs, and for all other proper relief.

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Attorneys for Defendants

John J. Vela and John J. Vela Trucking

d/b/a Jay's Trucking

**CERTIFICATE OF SERVICE**

I hereby certify that on this 28<sup>th</sup> day of March, 2008, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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